

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1829 OF 2007

Mr. Ashok K. Katyal ..Applicant

Vs.

The State of Maharashtra and anr. ..Respondents

Mr. Niranjan Mundargi for applicant.

Mr. A.S. Shitole, APP for State.

Mr. Rahul kadam i/by Mr.U.P. Warunjikar for
respondent no.2.

CORAM: B.H. MARLAPALLE, J.

Date : September 26, 2007.

P.C.:

. Heard Mr. Mundargi the learned counsel for the applicant who has been convicted, sentenced and directed to pay compensation of Rs.4,50,000/- in S.C.C. No.101 of 2005 filed under Section 138 of the Negotiable Instruments Act, 1881. The said order came to be challenged in Criminal Appeal No.2 of 2007, which has been admitted.

. The learned Chief Judicial Magistrate by his

order dated 10/5/2007 was pleased to suspend the order of sentence and the applicant came to be released on bail on the condition that he would deposit the compensation amount with the trial court. In Criminal Appeal No.2 of 2007, the applicant filed an application and prayed for 60 days time to deposit the amount and this application was allowed by granting time till 11/6/2007 and he remained on bail. On 12/6/2007 this court directed the applicant to deposit an amount of Rs.1,00,000/- and the same has been deposited on 7/7/2007. Consequently, the order of depositing the entire compensation amount came to be stayed.

. It appears that the dishonoured cheque amount was Rs.3,98,423/- and the trial court had directed to pay the compensation amount of Rs.4,50,000/-. Having regards to the reasoning set out in support of the order of conviction and sentence, it would be appropriate that the applicant deposits a further sum of Rs.1,00,000/- so as to continue with the stay order to the order of sentence and the appeal could be heard within a fixed period.

. Hence, it is directed that the applicant shall deposit a further sum of Rs.1,00,000/- and if he deposits the said amount within a period of four weeks from today, interim relief granted by this court will continue to operate till the Criminal Appeal No.2 of 2007 is heard and decided. It is further directed that Criminal Appeal No.2 of 2007 shall be heard and decided as expeditiously as possible and in any case before 31/12/2007.

. Application disposed off in terms of the above order.

(B.H. Marlapalle, J.)